

1 WILKE, FLEURY, HOFFELT, GOULD & BIRNEY, LLP
2 ROBERT F. TYLER, JR. (SBN 063055)
3 400 Capitol Mall, Twenty-Second Floor
4 Sacramento, CA 95814
Telephone: (916) 441-2430
Facsimile: (916) 442-6664

5 Attorneys for Defendants
6 SUN HEALTHCARE GROUP, INC., CARE
7 ENTERPRISES WEST, AND SUNBRIDGE
HEALTHCARE CORPORATION

8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10 FIRST JUDICIAL DISTRICT
11

12 PATRICIA J. SMITH and MICHAEL E.
13 THOMPSON, individually and as
14 successors in interest to JUNE R.
THOMPSON, deceased,

15 Plaintiffs,

16 vs.

17 SUN HEALTHCARE GROUP, INC.,
18 dba Sunbridge Care & Rehabilitation For
19 Weed; CARE ENTERPRISES WEST,
20 SUNBRIDGE HEALTHCARE
CORPORATION, and DOES 1-200,

21 Defendants.
22

No. 2:03-cv-1932-MCE-PAN

**STIPULATION FOR SETTLEMENT AND
DISMISSAL OF ACTION AND ORDER
THEREON**

Complaint Filed: September 15, 2003
Trial Date: February 16, 2006

23 The parties having conferred and good cause appearing, it is hereby agreed between them
24 as follows:

25 1. The parties have agreed to a settlement of the instant matter, subject to the terms
26 stated herein and in a concurrently executed General Release and Covenant Not to Sue
27 (hereinafter, Release);
28

2. Pursuant to the terms of the Release, Defendants shall remit payment to Plaintiff on April 15, 2006; and,

3. There is a present trial date of May 17, 2006.

GIVEN THE FOREGOING AGREEMENT OF FACT AND CIRCUMSTANCE, IT IS HEREBY STIPULATED BETWEEN THE PARTIES THAT THIS MATTER BE SETTLED UNDER THE FOLLOWING CONDITIONS:

1. The claim of plaintiff Michael Thompson shall be dismissed with prejudice forthwith, and any and all terms of this settlement agreement shall be deemed null and void unless such a dismissal is filed with and then accepted by the court no later than January 25, 2006;

2. Plaintiff agrees to sign, acknowledge and deliver to defendants no later than January 20, 2006 a release of any and all such claims and causes of action being or which could be asserted by her herein.

3. Defendants will pay to plaintiff Patricia Smith and her attorneys, the Law Offices of John D. Winer by Felicia C. Curran, Esq., the sums agreed upon between the parties no later than April 15, 2006.

4. Plaintiff Patricia Smith agrees to accept those sums in full settlement and compromise of her present action and agrees that such payment shall fully and forever discharge and release all claims and causes of action, which she may now or in the future have against the defendants herein.

5. The present trial date of May 17, 2006, shall be vacated.

6. The court shall retain jurisdiction of this matter until May 31, 2006, at which time, unless either party has made application to the court to enforce the terms of the Stipulation for Settlement and Release which they have executed concurrently with this document, the matter shall be dismissed in its entirety.

BASED UPON THE FOREGOING STIPULATION OF THE PARTIES, AND GOOD CAUSE APPEARING, IT IS HEREBY ORDERED THAT:

1. The present trial date of May 17, 2006, shall be vacated.

1 2. This court shall retain jurisdiction of this matter until May 31, 2006, at which time
2 it will automatically order this matter dismissed with prejudice, unless and until one or both of the
3 parties herein moves to enforce one or more of the terms or conditions of the Stipulation for
4 Settlement and Release which they have concurrently executed.

5 DATED: March 2, 2006

6 
7 MORRISON C. ENGLAND, JR.
8 UNITED STATES DISTRICT JUDGE
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28